



## **Memorandum** | Department of Community School

Date: October 31, 2023

To: Tomorrow Center Administrators and Governing Board Members

From: Jim Smith, Sponsor Liaison, Dave Jones, Director of Community Schools, and Mid-Ohio ESC Sponsoring Staff

Subject: October Monthly Updates

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### **General Update**

Hello Everyone,

As the sponsor of the Tomorrow Center, one of the requirements is that the sponsor conducts Onsite Visit Reviews, beyond the monthly enrollment/attendance and financial reviews. The Onsite Visit Reviews must occur at least twice per year while the school is in session, with one review occurring during the first semester/half of the review year, and the other review occurring during the second semester/half of the review year. The Onsite Visit Review includes an examination of the school's compliance with all applicable laws, rules, contractual obligations, and academic performance measures.

Besides collecting data regarding the compliance with laws and rules, contractual obligations, and how well the school is doing academically during the Onsite Visit Review, the sponsor must also collect data from school employees, including at least one administrator and one or more instructors.

Prior to any Onsite Visit Review, the sponsor is required to provide the school with a written visit protocol that explains the goal of the visit and prescribed adherence to a specific set of actions or procedures for the collection of data and their sources, types of data being collected, observation and interview guidance, and instruments being used during the visit.

The Tomorrow Center's first Onsite Visit Review for this school year occurred on October 16 and 18, 2023. A copy of the Onsite Visit report will be emailed to the governing board of directors and to the school leaders this week. Overall, the visit was positive. There were a few minor issues involving the student cumulative file check and the staff roster file check discovered during the visit that will require a follow-up visit to ensure those areas were addressed, which will occur the week of December 4, 2023. A follow-up report will be emailed to the governing board of directors and to the school leaders after that visit.

If you have any questions, please contact us. As always, thank you for all you do to support the students and staff at the Tomorrow Center.

## **Legislative and Policy Updates**

October has seen a lot of activity in all three branches of government at both the state and national levels related to primary and secondary education.

### **On the National Scene**

Following several weeks of failed attempts to elect a new Speaker of the (US) House of Representatives, a new Speaker has been selected. This comes as a relief; although the House, while leaderless, continued its discussions and hearings on pending legislation and investigations, it can now return to deliberating on the approval or rejection of proposed laws. One of the House's primary concerns, perhaps its top priority, is the approval of FY24 appropriations or the passing of a continuing resolution (CR) to sustain funding for federal operations. The existing CR, sanctioned at the end of September before the removal of Speaker McCarthy, is due to expire in just a few weeks.

The Labor Department is reevaluating overtime pay regulations under the Fair Labor Standards Act (FLSA). Presently, hourly employees working over 40 hours weekly are guaranteed overtime. Additionally, salaried employees who earn below \$35,568, though traditionally exempt, also qualify for overtime. The new proposal suggests raising this salary threshold to \$60,000.

The American Society of Association Executives (ASAE) has concerns about this proposal. They argue it might adversely affect associations, non-profits, public schools, higher education institutions, and state and local governments. From the employee's perspective, ASAE believes it might limit professional development opportunities and impede the work schedule flexibility some salaried employees currently enjoy. ASAE is advocating for a reduced threshold and perhaps adjusting overtime eligibility to 80 hours over a two-week span.

Meanwhile, a coalition named the Partnership to Protect Workplace Opportunity (PPWO) accuses the Labor Department of hastily pushing these rule changes without concrete evidence that the existing rules inadequately shield employees.

The Labor Department is nearing the conclusion of its 60-day feedback period for this proposal. Stakeholders have until November 17, 2023, to provide comments. If approved, the new regulations could come into effect as soon as May 1, 2024.

Both chambers of the US Congress, the Senate and the House, are reviewing the Freedom to Invest in Tomorrow's Workforce Act (S. 722/HR 1477). This act proposes to transition 529 plans from being solely college savings plans to broader career savings plans. The Tomorrow's Workforce Coalition expressed in their written remarks that this legislation would offer "valuable tax-advantaged resources for students and workers, regardless of whether they have a college degree, as they seek career advancement, consider mid-career shifts, or explore paths that veer away from conventional academic degrees."

### **At the State Level**

The Franklin County Court, while examining the lawsuit involving the Ohio Department of Education (ODE), the Department of Education and Workforce (DEW), and the State Board of

Education, recently declined to prolong the Temporary Restraining Order and chose not to issue an injunction. As a result, even though the lawsuit might persist, Ohio is free to proceed with the transition from ODE to DEW. This transition includes transferring numerous powers and duties from the State Board of Education to the Director of DEW.

Governor DeWine has named Jessica Voltolini as the Interim Director of DEW. Previously, Dr. Voltolini served as the Chief of Staff at ODE and has had roles in ODE's Legislative/Policy Office and Legal Department.

Per the stipulations in HB-33 (the state budget), the State Board of Education will continue to manage licensing, oversee educator professional conduct, support the Educator Standards Board, the Teacher of the Year program, among other responsibilities.

As of October 27, the ODE's website ([education.ohio.gov](http://education.ohio.gov)) is still functional. However, DEW has set up an account on the platform X formerly known as Twitter: [DEW Twitter Link](#).

**HB-33's education provisions are facing a new challenge.** The *Reading Recovery Council of North America* has filed a lawsuit in Franklin County seeking to block the provisions in HB-33 requiring schools to exclusively use strategies based on the *Science of Reading* when teaching students to read. Arguments against the *Science of Reading* provisions offered by attorneys for the Council include:

- Incorporating reading curriculum mandates within the budget breaches Ohio's single-subject rule.
- Reading policy should be set by the State Board of Education, not lawmakers. (The Council's attorneys are also questioning the constitutionality of the budget's provisions to transfer powers from the State Board of Education to the Director of DEW).
- The ban on the use of the “three-cueing” method is too vague.

Newly introduced legislation, **SB-168**, seeks to eliminate certain requirements placed on schools and educators including:

- Eliminates the need for teachers seeking senior and lead licenses, and administrators to hold a master’s degree provided other requirements of the licenses are met.
- Permits schools to establish the framework for teacher evaluations.
- Permits schools to determine the number of hours of training needed in dyslexia and allow schools to waive dyslexia screening if there is evidence of the student having been screened in the previous year.
- Eliminates the preference for the use of seniority when reducing classified employees.
- Clarifies that the required hearing on the school calendar could be included as part of a regular board meeting or a hearing concerning several items.



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